

Alexandria

AND COMMERCIAL

Advertiser

INTELLIGENCER.

VOL. II.]

TUESDAY, MARCH 1, 1802.

Sales by Auction.

On WEDNESDAY next,
At ten o'clock, will be Sold at the Auction
Rooms,

Rum in bals.
Malaga Wine in
qr. casks,
Sugar in bals.
Gin in cases,

Soap in boxes,
Candles do.
Chocolate do.
Hysonkin Tea in
caskets.

Also.
A quantity of DRY GOODS,
Amongst which are

Chintzes,
Bombazets,
Durants,
Calimancos,
German Dowlaps,
Russia Sheetings.

Calicoes,
Chintz Shawls,
Fag Handker.
Check do.
Sewing Silks,
Threads & Tapes.

Also,
3 bales INDIA MUSLIN,
a large quantity of
READY MADE CLOTHES,
and a number of other articles.

H. and T. MOORE,
March 8. Auctioneers.

Public Sale.

On TUESDAY,
At ten o'clock, will be sold at the Vendue
Store,

3d and 4th proof Antigua and
Jamaica Rum in hds. and bals.

French Brandy in bals.
Holland Gin in bals.
Teneriffe Wine in casks,
Cordials in bals.
Sugar in hds and bals.
Molasses in hds.
Rice in tierces and bals.
Soap in boxes,
Queens and Earthen Ware in crates,
handsomely assorted,
30 boxes Havanna Segars,
Cotton in bales---on a credit.

Also,
A variety of DRY GOODS,
AMONG WHICH ARE

Broad and narrow Cloths,
Flannels and Planes,
Carpets and Carpeting.
Irish and German Linens,
Worsted and cotton Stockings,
Calicoes and Ginghams,
A variety of Muslin and Muslin Hand
kerchiefs and Shawls,
Table Cloths, Hats,
Boots and Shoes,
Hardware, and
A number of other articles.

P. G. MARSTELLER,
March 8. Vendue-Master.

Notice.

THE subscriber intending to
quit his present business, gives this public
notice, that any person having demands
against him, will present the same, and
they will be immediately discharged.
The few indebted to him, by doing like-
wise, will get the thanks of

THOMAS CRUSE.

Who will continue for one
month selling off his STOCK of GOODS
at prime cost.

March 5. d2w

CLOVER SEED.

A fresh supply of Clover Seed just received
and for sale, by
RICKETTS, NEWTON & Co.

March 9. d

Just Received,
And for sale on a liberal credit, or to ex-
change for Flour,
1900 bushels of excellent Turk's
Island Salt, and
40 bals. prime Beef.

I have also,
so quarter casks Port Wine.
W.M. HODGSON.

Feb. 3. d

FOR SALE,

The Cargo of the brig Little

Sally, capt. Cozens,
From Rhode-Island, now landing and

consisting of

French Brandy,
Holland Gin (entitled to drawback)

Country Gin,
West-India Rum, N. England do.

Loaf Sugar,
Castile Soap, Tanner's Oil,

R. I. Cheese of an excellent quality,
Soal Leather,

Russia and ravens Duck and Sheetings,

Cordage, 1 bale of Ticklenburgs, &c.

For Sale, Freight or Charter,

The said brig Little Sally, burthen

about 650 barrels, an excellent vessel and

well equipped. Apply to

J. G. LADD.

JANNEY & PATON

HAVE FOR SALE,

90 Pieces of Russia Duck,

30 Ravens do.

6 Chests of Souchong Tea,

Havanna white & brown Sugars in boxes,

West-India do. in hds. and barrels,

Coffee in bags and barrels,

Holland Gin in barrels,

Sweet Oil in boxes of 12 bottles each,

Castile Soap in boxes,

Shoes in boxes assorted,

East-India Goods.

Also,

The Cargo of the Schooner Lucy, captain

Snow, consisting of

43 Tons Plaster of Paris,

60 Casks of Lime,

10 Barrels of Tanner's Oil,

115 Reams of Wrapping Paper,

40 Boxes of dipt Candies.

January 22. d

TIMOTHY HAY.

THE Subscriber has a quantity of
Timothy Hay for Sale, which he will de-
liver in Alexandria, or at any distance not
exceeding ten miles from his farm, at the
moderate price of Four Shillings per hun-
dred. A line addressed to him at this
place, and left at the Post-Office, Alexan-
dria, will be received, and immediate at-
tention paid to it.

LAWRENCE LEWIS.

Mount Vernon, March 6.

d4th April.

For Sale,

Antigua Rum by the hhd.

Raisins by the box,

Sugar by the barrel,

Dates, fresh from the coast of Barbary,

With a variety of other

FRUITS and GROCERIES.

ABEL WILLIS.

Jan. 11. d

FOR SALE,

A likely MULATTO GIRL about

15 years old. Enquire of the Printers.

Feb. 10. d3w

JUST RECEIVED,

And for sale by the subscriber, at his Gro-

cery and Fruit Store, lower end of Prince

Street,

Fresh Oranges and Lemons in

boxes from Lisbon,

Do. figs in frails,

30 boxes fresh bloom Raisins,

Soft shell'd Almonds,

Tamarins.

Also,

Apples by the barrel,

Shellbarks do.

Good Cyder do.

Soap and Candles in boxes,

Mould Candles do.

R. Island Cheese and Potatoes

of a superior quality,

Queens Ware assorted,

And every other article in the GROCERY

LINE.

Thomas Simms.

Feb. 6. d

Advertiser

INTELLIGENCER.

Sales by Auction.

Rum in bals.
Malaga Wine in
qr. casks,
Sugar in bals.
Gin in cases,

Soap in boxes,
Candles do.
Chocolate do.
Hysonkin Tea in
caskets.

Also.
A quantity of DRY GOODS,
Amongst which are

Chintzes,
Bombazets,
Durants,
Calimancos,
German Dowlaps,
Russia Sheetings.

Calicoes,
Chintz Shawls,
Fag Handker.
Check do.
Sewing Silks,
Threads & Tapes.

Also,
3 bales INDIA MUSLIN,
a large quantity of
READY MADE CLOTHES,
and a number of other articles.

H. and T. MOORE,

March 8. Auctioneers.

Public Sale.

On TUESDAY,
At ten o'clock, will be sold at the Vendue
Store,

3d and 4th proof Antigua and
Jamaica Rum in hds. and bals.

French Brandy in bals.
Holland Gin in bals.

Teneriffe Wine in casks,
Cordials in bals.
Sugar in hds and bals.

Molasses in hds.
Rice in tierces and bals.
Soap in boxes,

Queens and Earthen Ware in crates,
handsomely assorted,
30 boxes Havanna Segars,

Cotton in bales---on a credit.

Also,

A variety of DRY GOODS,

AMONG WHICH ARE

Broad and narrow Cloths,
Flannels and Planes,
Carpets and Carpeting.

Irish and German Linens,
Worsted and cotton Stockings,
Calicoes and Ginghams,

A variety of Muslin and Muslin Hand
kerchiefs and Shawls,

Table Cloths, Hats,
Boots and Shoes,
Hardware, and

A number of other articles.

P. G. MARSTELLER,

March 8. Vendue-Master.

Notice.

THE subscriber intending to
quit his present business, gives this public
notice, that any person having demands
against him, will present the same, and
they will be immediately discharged.

The few indebted to him, by doing like-
wise, will get the thanks of

THOMAS CRUSE.

Who will continue for one
month selling off his STOCK of GOODS
at prime cost.

March 5. d2w

CLOVER SEED.

A fresh supply of Clover Seed just received
and for sale, by

RICKETTS, NEWTON & Co.

March 9. d

Just Received,

And for sale on a liberal credit, or to ex-

change for Flour,

1900 bushels of excellent Turk's

Island Salt, and

40 bals. prime Beef.

I have also,

so quarter casks Port Wine.

W.M. HODGSON.

Feb. 3. d

CLOVER SEED.

A fresh supply of Clover Seed just received
and for sale, by

RICKETTS, NEWTON & Co.

March 9. d

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Saturday, February 20.

Debate on the bill received from the Senate, entitled "An Act to repeal certain acts respecting the organization of the courts of the U. States."

[Mr. Bayard's speech continued.]

We were told by an honorable gentleman from Virginia, who rose early in the debate, (Mr. Thompson) that the principles we advocated tended to establish a sinecure system in the country. Sir, I am as little disposed to be accessory to the establishment of such a system, as any gentleman on this floor. But let me see how this system is to be produced? We established judicial offices, to which numerous and important duties were assigned. A compensation has been allowed to the judges, which no one will say, is immoderate, or disproportionate to the service to be rendered. Those gentlemen first abolish the duties of the offices, then call the judges pensioners, and afterwards accuse us of establishing sinecures. There are no pensioners at present, if there should be any, they will be the creatures of this law. I have ever considered it as a sound and moral maxim, that no one should avail himself of his own wrong. It is a maxim, which ought to be equally obligatory upon the public as upon the private man. In the present case, the judge offers you his service. You cannot say, it is not worth the money you pay for it. You refuse to accept the service; and after engaging to pay him while he continued to perform the service, you deny him his compensation, because he neglects to render services which you have prevented him from performing. Was injustice ever more flagrant? Surely, sir, the judges are innocent. If we did wrong, why should they be punished and disgraced? They did not pass the obnoxious law, they did not create the offices, they had no participation in the guilty business; but they were invited upon the faith of government, to renounce their private professions, to relinquish the emoluments of other employments, and to enter into the service of the United States, who engaged to retain them during their lives, if they were guilty of no misconduct. — They have behaved themselves well, unexceptionably well, when they find the government recinding the contract made with them, refusing the stipulated price of their labour, dismissing them from service, and in order to cover the scandalous breach of faith, stigmatizing them with names which may render them odious to their countrymen. Is there a gentleman on the floor of this House, who would not revolt at such conduct in private life? Is there one who would feel himself justified, after employing a person for a certain time, and agreeing to pay a certain compensation, to dismiss the party from the service upon any caprice which altered his views, deny him the stipulated compensation, and to abuse him with opprobrious names, for expecting the benefit of the engagement?

A bold attempt was made by one of the gentlemen from Virginia, (Mr. Giles) to force to his aid the Statute of 13th Wm. 3d. I call it a bold attempt, because the gentleman was obliged to rely upon his own assertion to support the ground of his argument. He stated, that the clause in the constitution was borrowed from a similar provision in the Statute. I know nothing about the fact, but I will allow the gentleman its full benefit. In England at an earlier period, the judges held their commissions during the good pleasure of the monarch. The parliament desired, and the king consented, that the royal prerogative should be restrained. That the offices of the judges should not depend on the will of the crown alone, but upon the joint pleasure of the crown and of parliament. The king consented to part with a portion of his prerogative by relinquishing his power to remove the judges without the advice of his parliament. But by an express clause in the Statute, he retained the authority to remove them with the advice of his parliament. Suppose the clause had been omitted, which reserved the right to remove upon the address of the Houses of parliament, and the Statute had been worded in the unqualified language of our constitution, that the judges should

hold their offices during good behaviour, would not the prerogative of removal have been abolished altogether? I will not say that the honorable member has been peculiarly unfortunate in the employment of this argument, because, sir, it appears to me, that most to which he has adduced, when justly considered, have operated against the cause they were designed to support.

The gentleman tells us that the constitutional provision on this subject was taken from the statute of William. — Will he answer me this plain question? Why are we find omitted in the constitution, that part of the statutory provision, which allowed the judges to be removed upon the address of the two branches of the legislature? Does he suppose that the clause was not observed? Does he imagine that the provision was dropped through inadvertency? Will he impute so gross a neglect to an instrument every sentence and word, and comma, of which, he has told us was so maturely considered, and so warily settled? No, sir, it is impossible; and give me leave to say, that if this part of the constitution were taken from the statute (and the gentleman from Virginia must have better information on the subject than I have) that a stronger argument could not be adduced, to shew that it was the intention of those who framed the constitution, by omitting that clause in the statute which made the judges tenants of their offices at the will of Parliament, to improve in this country the English plan of judicature, by rendering the judges independent of the legislature. And I shall have occasion in the course of my observations to shew, that the strongest reasons derived from the nature of our government, and which do not apply to the English form, require the improvement to be made.

Upon this point, sir, we may borrow a few additional rays of light from the constitutions of Pennsylvania, of Delaware, and of some other states. In those states it has been thought, that there might be misconduct on the part of a judge, not amounting to an impeachable offence, for which he should be liable to be removed. Their constitutions therefore have varied from that of the United States, and rendered their judges liable to be removed upon the address of *two thirds* of each branch of the legislature. Does it not strike every mind, that it was the intention of those constitutions to have judgments independent of a *majority* of each branch of the legislature; and I apprehend also that it may be fairly inferred, that it was understood in those states, when their constitution was formed, that even two thirds of each branch of the legislature would not have the power to remove a judge whose tenure of office was during good behavior, unless the power was expressly given to them by the constitution. I cannot well conceive of anything more absurd in an instrument designed to last for centuries and to bind the furious passions of party, than to sacrifice one pass to judicial independence, and to leave another totally unguarded against the violence of legislative power.

It has been urged by the gentleman from Virginia, that our admission that congress has a power to modify the office of judge, leads to the conclusion, that they have the power to abolish the office. Because, by paring away their powers they may at length reduce them to a shadow, and leave them as humble and as contemptible as a court of piepowder. The office of a judge consists of judicial powers which he is appointed to execute. Every law which is passed increases or diminishes those powers, and so far modifies the office; nay, it is competent for the legislature to prescribe additional duties or dispense with unnecessary services, which are connected with the office of the judge. But this power has its bounds. You may modify the office to any extent which does not affect the independence of the judge. The judge is to hold the office during good behavior; now modify as you please, so that you do not infringe this constitutional provision.

Do you ask me to draw a line and say, thus far you can go and no farther. I admit no line can be drawn. It is an affair of sound and *bona fide* discretion. Because a discretion on the subject is given to the legislature, to argue upon the abuse of that discretion is adopting a principle subversive of all legitimate power.

The constitution is predicated upon the existence of a certain degree of integrity

in man. It has trusted powers liable to enormous abuse, if all political honesty be discarded. The legislature is not limited in the amount of the taxes which they have a right to impose, nor as to the objects to which they are to be applied. Does this power give us the property of the country, because by taxes we might draw it into the public coffers, and then turn up the treasury and divide the spoils? Is there any power in respect to which a precise line can be drawn, between the discreet exercise and the abuse of it?

I can only say, therefore, on this subject, that every man is acquitted to his own conscience who *bona fide* does not intend, and who sincerely does not believe, that by the law which he is about to pass, he interferes with the judges holding their offices during good behavior.

I am now brought, Mr. Chairman, to take notice of some remarks which fell from the gentleman from Virginia, which do not belong to the subject before us; but are of sufficient importance to deserve particular attention. He called our attention, in a very impressive manner, to the state of the parties in this house at the time when the act of the last session passed. He describes us in a state of blind paroxysm, incapable of discerning the nature or tendency of the measures we were pursuing. That a majority of the house were struggling to counteract the expression of the public will, in relation to the person who was to be the chief magistrate of the country.

I did suppose, Sir, that this business was at an end, and I did imagine that as gentlemen had accomplished their object, they would have been satisfied. — But as the subject is again renewed, we must be allowed to justify our conduct. I know not what the gentleman calls an expression of the public will. There were two candidates for the office of President, who were presented to the house of Representatives with equal suffrages. The constitution gave us the right and made it our duty to elect that one of the two whom we thought preferable. A public man is to notice the public will as constitutionally expressed. The gentleman from Virginia and many others may have had their preference, but that preference of the public will did not appear by its constitutional expression. Sir, I am not certain, that either of those candidates had a majority of the country in his favor. Excluding the state of South Carolina, the country was equally divided. We know that parties in that state were nearly equally balanced, and the claims of both the candidates were supported by no other scrutiny into the public will, than our official return of votes. Those votes are very imperfect evidence of the true will of a majority of the nation. — They resulted from political intrigue, and artificial arrangements.

When we look at the votes we must suppose, that every man in Virginia voted the same way. These votes are received as a correct expression of the public will. And yet we know, that if the votes of that state were apportioned according to the several voices of the people, that at least seven out of twenty-one, would have been opposed to the successful candidates. It was the suppression of the will of one third of Virginia, which enables gentlemen now to say, that the present chief magistrate is the man of the people. I consider that as the public will, which is expressed by constitutional organs. To that will I bow and submit. The public will, thus manifested, gave to the House of Representatives, the choice of the two men for President. Neither of them was the man whom I wished to make President, but my election was confined by the constitution to one of the two, and I gave my vote to the one who I thought was the greater and better man. That vote I repeated, and in that vote I should have persisted, had I not been driven from it, by imperious necessity. The prospect ceased of the vote being effectual, and the alternative only remained of making one man for President, or having no President at all. I chose, as I then thought, the lesser evil.

From the scene in this house, the gentleman carried us to one in the senate. I should blush, sir, for the honor of the country, could I suppose that the law designed to be repealed, owned its support in that body to the motives which have been indicated. The charge designed to be conveyed, not only deeply implicates the integrity of individuals of the senate, but of the person who was then the chief magistrate. The gentleman, going beyond all precedent, has mentioned the names of members of that body, to whom commissions issued for offices not created by the bill before them, but which that bill by the promotions it afforded was likely to render vacant. He has considered the scandal of the transaction, as aggravated by the issuing of commissions for offices not actually vacant, upon the bare presumption that they would become vacant, by the incumbents accepting commissions for higher offices which were issued in their favor. The gentleman has particularly dwelt upon the indecent appearance of the business from two commissions being held by different persons at the same time, for the same office.

I beg that it will be understood, that I mean to give no opinion as to the regularity of granting a commission for a judicial office, upon the probability of a vacancy, before it is actually vacant. — But I shall be allowed to say that so much doubt attends the point, that an innocent mistake might be made on the subject. I believe, sir, it has been the practice to consider the acceptance of an office, as relating to the date of the commission. The officer is allowed his salary from that date, upon the principle that the commission is a grant of the office, and the title commences with the date of the grant. This principle is certainly liable to abuse, but where there was a suspicion of abuse, I presume the government would depart from it. Admitting the office to pass by the commission, and the acceptance to relate to its date, it then does not appear very incorrect in the case of a commission, for the office of a circuit judge, granted to a district judge, as the acceptance of the commission of the former office relates to the date of the commission, to consider the latter office as vacant from the same time. The offices are incompatible. You cannot suppose the same person in both offices at the same time. — From that moment, therefore, that you consider the office of circuit judge filled by a person who holds the commission of district judge, you must consider the office of district judge as vacated. The grant is contingent. If the contingency happen, the office vests from the date of the commission, if the contingency does not happen the grant is void. If this reasoning be sound, it was not irregular in the late administration, after granting a commission to a district judge, for the place of a circuit judge, to make a grant of the office of the district judge, upon the contingency of his accepting the office of circuit judge. I now return, sir, to that point of the charge, which was personal in its nature, and of infinitely the most serious import. It is a charge as to which, we can only ask, *is it true?* If it be true, it cannot be excused; it cannot be palliated; it is vile profligate corruption, which every honest mind will execrate. But, sir, we are not to condemn, till we have evidence of the fact. If the offence be serious, the proof ought to be plenary. I will consider the evidence of the fact, upon which the honorable member has relied, and I will shew him by the application of it to a stronger case, that it is of a nature to prove nothing.

Let me first state the principal case. Two gentlemen of the senate, Mr. Reed of South Carolina, and Mr. Green of Rhode Island, who voted in favor of the law of last session, each received an appointment to the place of district judge, which was designed to the vacated by the promotion of the district judge to the office of circuit judge. The gentleman conveyed to us a distinct impression of his opinion, that there was an understanding between these gentlemen and the President, and that the offices were the promised price of their votes.

I presume, sir, the gentleman will have more charity, in the case which I am about to mention, and he will for once admit that public men ought not to be condemned, upon loose conclusions drawn from equivocal presumptions.

That case, sir, to which I refer, carries me once more to the scene of the presidential election. I should not have introduced it into this debate, had it not been called by the honorable member from Virginia. In that scene I had my part, it was a poor not barren of incident, and which has left an impression, which cannot easily depart from my recollection. I know who were rendered important characters, either from the possession of personal means, or from the accident of political situation. And now,

sir, let me say what his reflect when he observed the whole vote the hung, has since Presidential proceeding, but I hope the set me will be Mr. Charles P. was not a man was one of the doubtful politics decided, and he of Mr. Jefferson since been appointed to the court as high as the gift of the money that this talents and services of Mr. House of Representatives the value of Tennessee hands, raised to the the Missississippi great and language of the voice. The del of five members were decidedly were considered but still doubtful to him for the gave it to Mr. has since had favor of his Mr. Lyon an important vote of Ve have given Burr. It face to follow. But handsomely presented executive office catalogus but the Sloan, Mr. E. York. I knew the consequence mean were not many, I always vote of New- Mr. Livingston, for the road of progress — and distinguished to dialogue magnitudine were I to propose, that I inable, insidious magistrate, and the man, whom he more, which is nish from Virginian great injustice smallest desire, intention to tax chief magistrate of his have in nature. gentleness personal reported with rite measure. sufficient ground but of conditio ecutive, leaving has appointed dent, indirectly had any distin petition, for deciding the Sir, all this assumption or of the which dence in this Virginia on as myself, plished my w honorable m of the commi

sir, let me ask the honourable member, what his reflections and belief will be, when he observes that every man, on whose vote the event of the election hung, has since been distinguished by Presidential favor. I fear, sir, I shall violate the decorum of Parliamentary proceeding, in the mentioning of names, but I hope the example which has been set me will be admitted as an excuse.

Mr. Charles Pinckney of South Carolina was not a member of the house, but he was one of the most active, efficient, and successful promoters of the election of the present chief magistrate. It was well ascertained that the votes of South Carolina were to turn the equal balance of the scales. The zeal and industry of Mr. Pinckney had no bounds.—The doubtful politics of South Carolina were decided, and her votes cast into the scale of Mr. Jefferson. Mr. Pinckney has since been appointed minister plenipotentiary to the court of Madrid. An appointment as high and honorable, as any within the gift of the executive. I will not deny that this preferment is the reward of talents and services, although, sir, I have never yet heard of the talents or the services of Mr. Charles Pinckney. In the House of Representatives I know what was the value of the vote of Mr. Claiborne of Tennessee. The vote of a slave was in his hands. Mr. Claiborne, has since been raised to the high dignity of governor of the Mississippi Territory. I know how great and low greatly felt, was the importance of the vote of Mr. Linn of New Jersey. The delegation of the state consists of five members. Two of the delegation were decidedly for Mr. Jefferson, two were decidedly for Mr. Burr. Mr. Linn was considered as inclining to one side, but still doubtful. Both parties locked up to him for the vote of New Jersey. He gave it to Mr. Jefferson, and Mr. Linn has since had the profitable office of supervisor of his district conferred upon him. Mr. Lyon of Vermont was in this instance an important man. He neutralized the vote of Vermont. His absence alone would have given the vote of a state to Mr. Burr. It was too much to give an office to Mr. Lyon; his character was low. But Mr. Lyon's son has been handsomely provided for in one of the executive offices. I shall add to the catalogue but the name of one more gentleman, Mr. Edward Livingston of New York. I knew well, tell well I knew the consequence of this gentleman. His means were not limited to his own votenay, I always considered more than the vote of New York within his power.—

Mr. Livingston has been made the attorney for the district of New York—the road of preferment has been opened to him—and his brother has been raised to the distinguished place of minister plenipotentiary to the French republic. This catalogue might be swelled to a much greater magnitude; but I fear, Mr. Chairman, were I to proceed farther, it might be supposed, that I myself harbored the uncharitable suspicions of the integrity of the chief magistrate, and of the purity of the gentleman whom he thought proper to promote, which it is my design alone to banish from the mind of the honorable member from Virginia. It would be doing me great injustice to suppose, that I have the smallest desire, or have had the remotest intention to tarnish the fame of the present chief magistrate; or of one of the honorable gentlemen who have been the objects of his favor, by the statement which I have made; my motive is of an opposite nature. The late President appointed gentlemen to office, to whom he owed no personal obligations, but who only supported what has been considered as a favorite measure. This has been assumed as a sufficient ground, not only of suspicion, but of condemnation. The present executive, leaving scarcely an exception, has appointed to office, or has by accident, indirectly gratified every man, who had any distinguished means in the competition, for the Presidential office, of deciding the election in his favor. Yet, Sir, all this furnishes too feasible a presumption to warrant me to express a suspicion of the integrity of a great officer, or of the probity of honorable men, in the discharge of the high functions which they had derived from the confidence of their country. I am sure, sir, in this case, the honorable member from Virginia is as exempt from any suspicion as myself. And I shall have accomplished my whole object, if I induce that honorable member, and other members of the committee, who entertain his sus-

picion as to the conduct of the late executive, to review the ground of those suspicions, and to consider that in a case furnishing much stronger ground for the presumption of criminality, they have an unshaken belief, an unbroken confidence in the purity and fairness of the executive conduct.

[*Mr. Bayard's Speech to be continued.*]

NEW-YORK, March 12.

Capt. Ward, who arrived at Boston, Friday last, in a short passage from Cadiz, informs, that the report of the capture of the Tripolitan brig, by the frigate Philadelphia, had been circulated there—but that the American Consul at Cadiz, though in the habit of corresponding twice a week with Gibraltar, had received no information whatever thereof.

Capt. Ward also states, that an order had been received at Cadiz, from Madrid, to subject all vessels from the United States to perform forty day's quarantine—excepting vessels from New-York and Norfolk, which are not permitted to enter the port on any account whatever.

Entered, brigs Eliza and Mary, Bell, St. Vincents; Thomas, Haws, Havanna; schr. Favorite, Grofs, Wilmington, N.C.; fchr. Betsey, —, St. Ann's, (Jam.)

Cleared, ship Hiram, French, London; schr. Lydia, Shepherd, Trinidad.

Arrived since our last.

Sloop Betsey, from St. Ann's, (Jam.) March 4, spoke a ship bound from Laguaria to Philadelphia, out 52 days, all well. Capt. Ramsden, the former capt. of the Betsey, died at St. Ann's.

Brig Eliza and Mary, Bell, 28 days from St. Vincents. Left there ships John, Mitchell, and Rover, Gould, of Wiscasset; brig Brothers, Cuthman, do. ship Dolphin, Johnson, New York; brig New Century, Rollins, Portsmouth; Maria, Woodhouse, Baltimore; Sukey and Betsey, Cook, Salem; schr. Ranger, Davis, Wilmington, and Rogers, Kennebeck.

PHILADELPHIA, March 13.

Cleared, ship Tom, Turner, Liverpool; schr. Messenger, Burroughs, Cape Francois; sloop William, Darling, New Orleans.

March 1, lat. 31, long. 71, 15, was spoke a ship under French colors, 40 days from Algiers to Philadelphia. 2d, lat. 32, 1, spoke schr. Eagle, of and for Norfolk, 26 days from Jamaica. 3d, lat. 33, long. 73, 35, spoke brig Thomas, of New Bedford, from Havanna to Philadelphia, out 12 days.

NORFOLK, March 9.

Arrived the schr. Betsey, capt. Whipple, 29 days from St. Martins.

Arrived sloop Eagle, capt. Shanks, 29 days from Pitt-Antonio. Left there, brig Edward, M'Clanahan, of Portsmouth; brig Lark, Sawyer, do. Ich'r Caraque, Lowell, of Norfolk; schr. Little Robert, Dalby, of Philadelphia; schr. Gubbelina, Rudyard, of New York. Spoke on the 1st of February, off Bahama Bank, the schr. Union, M'Farland, 26 days out from New York bound to Havanna. March 18, in lat. 32, long. 73, spoke the schr. Catherine, Watt, from Martinique to Philadelphia, out 10 days.

Arrived the sloop Branch, captain Mose, 10 weeks from Dieppe in France.

Arrived the sloop Nancy Washington, captain Olden, 38 days from St. Kitts.

Alexandria Advertiser.

TUESDAY, MARCH 16.

ALL IS LOST!

Sol'occubuit, et nox atra sequitur.
The Sun of Federalism has set indeed,—
“has fallen, like Lucifer, never to rise again.”

The fatal hour long dreaded by the friends of our country has arrived. The constitution of our government is no more.—That department of the government which the people, by their constitution, declared should be “dependent only on their God and their good behaviour,” is now declared, by a democratic administration, to be dependent on the executive and legislative departments.

The third of March, which terminated the first year of the present administration, terminated also the existence of that form of government which WASHINGTON, and the other heroes and sages of our revolution, with so much wisdom and so much labor, established and sustained.

The desperation, with which our present rulers have proceeded in their work of destruction, is highly alarming and portentous, and leaves no ground of hope that they will relent or recoil from the execution of their purpose, till the devastation be complete.

The principle is already established, so far as a legislative act can establish it that the judges of our court have no pow-

er to act contrary to the will of the legislature, and that if they attempt it, the legislature may remove them from office; although the constitution declares that they shall not be removed, except upon impeachment and conviction of misdemeanor in office, and also compels them to swear, that they will support the constitution and regulate their decisions by it. If, therefore, the present Congress should think proper to declare it high treason to censure or ridicule the president, or their own proceedings; to levy a tax upon one part of the Union and to exempt another; or to pass any other unconstitutional law; the judges must either execute such law, in violation of their oaths, or else submit to a removal from office. Not content, however, with this sweeping principle, which in general terms bring down the judicial department from the high and commanding ground on which it was placed by the constitution, and renders it a humble and passive instrument for the execution of whatever the ambition or the vengeance of a factious legislature, or an aspiring executive may require, the ruling party have carried their excess of violence still farther, and plunged the deadly shaft still deeper into the vitals of the constitution.

As though fearful that some vestige of life might yet remain, which the friends of our government, at a future day, might cherish into renewed activity and vigour, they have proceeded to demolish the only part of the constitution, relative to this department, which remained inviolate after they had usurped and exercised the power of removing judges. This is the part which declares, “that the judges, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.”—By the bill which has now passed both houses of Congress, two judges only of the circuit court are continued in office, and five hundred dollars per annum are taken from the salaries of each. It would seem as though the proprietors of these violences had resolved to fix upon the plainest and most unequivocal parts of the constitution, for the purpose of removing all doubt of their determination to treat that solemn compact as a dead letter.

Under these distressing circumstances we pronounce, with grief, that *all is lost*.—It is true, that we may be governed, for a while, under the present order of things: we may submit, for a season, to the domination of judges whose only law is the will of a faction on whom they are conscious of dependence for their powers and their salaries. But this period cannot be long. Even France, more corrupt and better fitted than we are for submitting to despotism of the most atrocious nature, could not, for a long time, be subjected to the oppression of revolutionary tribunals, who asked no other question respecting causes brought before them, than *what is the pleasure of our masters in this case?*

The time, then, must speedily arrive when such tyranny will no longer be tolerated. What will then be the lot of our devoted country? To restore our former constitution will be impossible, and if possible, would perhaps be useless: since the nation could never again be brought to place confidence in an instrument which, from experience, has been found unable to withstand, for one year, the attacks of its enemies when in power. To frame another, in which all the states would agree, is a thing devoutly to be wished, but not to be expected. Our business, however, is not to predict, but to inform the public of things *as they are*.—Let those who have demolished the noble fabric, reared and sustained by Washington and his adherents, faithful to him and to their country, now furnish a better if they can: if not, let them answer to their country and to posterity for the consequences which must follow.

Little more than a year has elapsed since a nation was made a mourner by the loss of Washington, our common friend and common father. Have we not now still greater cause for mourning the loss of that national compact, the acquisition and support of which constituted the labor and the glory of his life? Little did that great and good man suspect that his favorite system, the result of his wisdom and patriotism would survive him but one year.—One consolation, however remains to those who have for twelve years successfully opposed the torrent of foreign and domestic disorganizers. They have done all that could be done to save the republic and to preserve the charter of our liberties entire. They have not to re-

proach themselves with want of vigilance or want of activity in the cause of their country. On no occasion, perhaps, have found reason and patriotism obtained so proud a triumph over sophistry and fanaticism as has been exhibited during the late debates in both houses of Congress. Let what will ensue, the blood of our country must be upon the heads of those who now govern. As to their opposers, they have washed their hands from the guilt, by every argument, expostulation and entreaty which could be urged. M. after all this, our inexorable enemies have proceeded to inflict political death, the world must see that it is by their hand we die, and at their hand will the blood of our nation be required.

(*Gaz. of the United States.*)

We are informed that an Irish gentleman has lately constructed a hot house in this city, for the purpose of rearing Oranges, Lemons, and Citrons, and that he has applied to Mr. Duane, in consequence of the effects of his influence with congress, to procure prohibitory duties to be laid upon the importation of these articles. It is said, that Mr. Duane has been graciously pleased to have the petition referred to the committee who reported a bill for imposing an additional duty of so per cent upon the importation of printing types, &c.

Phil. pap.

SHIPWRECK!

Sloop Delight, belonging to Robert Gilmer of Baltimore, James Simpson, master, bound to the Island of St. Domingo, was unfortunately cast away on the rocks of the north side of Detonda, the 26th of January, 1802, about 2 o'clock in the morning.

Capt. Simpson, J. O. Harrison, and a boy, were washed off the mast about 7 A. M., and Joseph Baker, John, an Italian, and Francis, an apprentice to capt. Dawson, were washed off the bow of the vessel; they were thrown ashore on the island and buried. John Joseph the cook was washed off the keel after the upset, and got safe ashore on a piece of plank. The mate, Daniel Birckholz, hung to the keel of the vessel by two of the bolts, for 38 or 40 hours, when a boat was fitted up and sent to his assistance. The vessel was stove to pieces, and with the cargo entirely lost.

PORT OF ALEXANDRIA.

ARRIVED,

Sloop Harmony, Ellwood, Philadelphia; Hope, Willis, Norfolk; Schr. Polly and Sally, Keith, Baltimore.

Sale by Auction.

WILL BE SOLD, WITHOUT RE-

SERVE,

On Wednesday the 17th instant, at our Auction Room,

7 bales of India Muslin

of different kinds,

1 case German Dowls,
1 trunk Bengal Stripes,
10 pieces India Ginghams,
1 trunk Cambric Muslins,
15 doz. Olive Shawls,
100 pieces India Calico,
20 do. Britannias,
1 trunk Calicos.

H. and T. MOORE,

March 16.

Auctioneers.

TEMPORARY THEATRE,

At the EAGLE TAVERN.

On THURSDAY EVENING, March 18th, will be presented,

AN ATTIC EVENING'S ENTERTAINMENT,

Beginning with the

The Virgin Unmasked.

After which will be performed

The POOR COBLER.

Likewise, a Pantomime called

The Benevolent Soldier.

To which will be added

The Two Philosophers.

Mrs. SMITH

Will dance a HORNPIPE over 13 Eggs,

blindsight.

Mrs. Smith and Mr. Arnold will dance an Alemande.

The whole to conclude with

The GAMESTER;

OR,

The Devil among the Landlords.

Doors to be opened at 6 o'clock, and performance begin at 7. Price 3s.—Children half price. Tickets to be had at the bar of the Eagle Tavern, at T. Simon's store, Prince street, and at S. Snowden and Co's Printing-Office.

March 16.

Just Received,

A parcel of pickled Herrings in bls.

A quantity of sole leather and shoes,

Cyder in barrels, and

A few chaffs Young Hyson Tea,

For sale by

J. GARDNER LADD.

March 16,